

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Petitioner,

v.

MARK STRONG,

Respondent.

CASE NO. 3:16-CV-05218-RBL-DWC

ORDER DENYING PETITIONER'S
REQUEST FOR COUNSEL

The District Court has referred this action filed under 28 U.S.C. § 2254 to United States Magistrate Judge David W. Christel. On April 11 2016, Petitioner filed an Amended Petition, wherein he made multiple requests for appointment of counsel. Dkt. 6.

There is no right to appointed counsel in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required or such appointment is “necessary for the effective utilization of discovery procedures.” *See McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United States v. Duarte-Higareda*, 68 F.3d 369, 370 (9th Cir. 1995); *United States v. Angelone*, 894 F.2d 1129, 1130 (9th Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983); Rules Governing Section 2254 Cases in the United States District Courts 6(a) and 8(c). The Court may appoint

1 counsel “at any stage of the case if the interest of justice so require.” *Weygandt*, 718 F.2d at 754.
2 In deciding whether to appoint counsel, the Court “must evaluate the likelihood of success on
3 the merits as well as the ability of the petitioner to articulate his claims pro se in light of the
4 complexity of the legal issues involved.” *Id.*

5 Here, the Court has determined Petitioner’s Petition and Amended Petition do not comply
6 with the Rules Governing Section 2254 Cases. *See* Dkt. 5, 8. As a petition has not been served in
7 this case, the Court does not find good cause for granting leave to conduct discovery and has not
8 determined an evidentiary hearing will be required. *See* Rules Governing Section 2254 Cases in
9 the United States District Courts 6(a) and 8(c). Furthermore, Petitioner has provided no grounds
10 for relief; thus, it is difficult to determine the likelihood of success on the merits. *See* Dkt. 1, 6.
11 Petitioner has not shown the interest of justice requires the Court to appoint counsel at this stage
12 in the case.

13 As Petitioner has not shown appointment of counsel is appropriate at this time, the
14 request for appointment of counsel (Dkt. 6) is denied without prejudice.

15 Dated this 25th day of April, 2016.

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18 David W. Christel
19 United States Magistrate Judge
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